

...”); *United States v. Williams*, 343 F.3d 423, 435 (5th Cir. 2003) (finding that district court erred by admitting an officer's testimony about the reasonableness of another officer's use of force [*i.e.*, shooting] because “Rule 704(a) does not allow a witness to give legal conclusions” and “[r]easonableness [of an officer's use of force] under the Fourth Amendment or Due Process Clause is a legal conclusion.”

2. Objections to attempting to use the paramedics as experts and addressing their training and experience. The paramedics cannot offer opinions regarding the reasonableness of the officers’ conduct at the time and have no expertise in any area that is relevant to this case.
3. Objections to Frederick Johnson. Plaintiffs did not have the opportunity to depose Mr. Johnson as his deposition was scheduled and canceled. Additionally, Mr. Johnson will be used solely to inflame the jury. The only information relevant to assess the conduct of the officers is what was known to them, and relevant to their actions, at the time they encountered Tony Timpa. None of the information to be offered by Mr. Johnson was both known to the officers and relevant to their actions. Any probative value, if any, is substantially outweighed by its prejudicial effect. FRE 403.

FOR THE REASONS STATED, Plaintiff prays that these objections be sustained and for such further relief as justice may require.

Respectfully submitted,

s/Susan E. Hutchison
Susan E. Hutchison
Texas Bar No. 10354100
sehservice@FightsforRight.com

S. Rafe Foreman
Texas Bar No. 07255200
srfservice@FightsforRight.com

HUTCHISON & FOREMAN, PLLC

500 East 4th St., Ste. 100
Fort Worth, Texas 76102
(817) 336-5533
FAX: (817) 887.5471

ATTORNEYS FOR PLAINTIFF
JOE TIMPA

CERTIFICATE OF SERVICE

This is to certify that on this July 3, 2023, a true and correct copy of the above and foregoing document was served on the following attorney of record via ECF filing:

Geoff J. Henley
Lane R. Addison
Henley & Henley
2520 Fairmount St., Ste. 200
Dallas, TX 75201
Attorneys for Plaintiffs

Lindsay Gowin
City Attorney of the City of Dallas
7DN Dallas City Hall
1500 Marilla St.
Dallas, TX 75201
Attorneys for Defendants

s/Susan E. Hutchison
Susan E. Hutchison